

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

FILED

JAN 14 2019

CLERK, US DISTRICT COURT
NORFOLK, VA

KELLY M. EARL,

Plaintiff,

v.

CIVIL ACTION NO.: 2:17cv546

NANCY A. BERRYHILL,
Commissioner,
Social Security Administration,

Defendant.

ORDER

On October 18, 2017, Plaintiff brought this action under Section 405(g) of the Social Security Act, seeking judicial review of the final decision of the Defendant, Nancy A. Berryhill, the Commissioner of the Social Security Administration (“the Commissioner”), which denied Plaintiff’s claim for Supplemental Security Disability Income (“SSDI”) under the Social Security Act.

On March 26, 2018, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation (R&R). On December 21, 2018, the Magistrate Judge filed his report recommending that Plaintiff’s Motion for Summary Judgment be **DENIED**, and Defendant’s Motion for Summary Judgment be **GRANTED**. By copy of the report, the parties were advised of their right to file written objections to the findings and recommendations of the

Magistrate Judge. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed December 21, 2018, and it is, therefore **ORDERED** that Plaintiff's Motion for Summary Judgment be **DENIED**, and Commissioner's Motion for Summary Judgment be **GRANTED**.

Plaintiff may appeal from this final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, Norfolk Division, 600 Granby Street, Norfolk, Virginia 23510. The written notice must be received by the Clerk within sixty (60) days from the date of the entry of this Dismissal Order.

The Clerk is **DIRECTED** to provide a copy of this final Order to the parties.

IT IS SO ORDERED.

Norfolk, Virginia

January 14, 2019



Raymond A. Jackson
United States District Judge